

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PERCY LEE RHODES,

Plaintiff,

v.

JOSEPH RUIZ, et al.,

Defendants.

Case No. 1:21-cv-00942-CDB (PC)

**ORDER TO SHOW CAUSE WHY
SANCTIONS SHOULD NOT BE IMPOSED
FOR DEFENDANTS' FAILURE TO FILE
AN OPPOSITION OR STATEMENT OF
NON-OPPOSITION**

Five-day Deadline

Plaintiff Percy Lee Rhodes is a proceeding pro se and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

On December 15, 2023, Plaintiff filed a document titled “Order and Motion to Move the Court for a Stay of 90 Days and Change of Address.” (*See* Doc. 39.) Plaintiff requests a stay of this action for 90 days due to safety and health concerns. (*Id.*)

DISCUSSION AND ORDER

The Local Rules, corresponding with Federal Rule of Civil Procedure 11, provide, “[f]ailure of counsel or of a party to comply with these Rules or with any order of the Court may be grounds for the imposition by the Court of any and all sanctions authorized by statute or Rule or within the inherent power of the Court.” Local Rule 110. Pursuant to Local Rule 230(l), any opposition “to the granting of [a] motion shall be served and filed by the responding party not more than twenty-one (21) days after the date of service of the motion. A responding party who

1 has no opposition to the granting of the motion shall serve and file a statement to that effect”
2 Because Plaintiff filed and served his motion on December 15, 2023, any opposition or statement
3 of non-opposition by Defendants was due to be filed no later than January 5, 2024. Despite the
4 passage of more than 21 days, Defendants have failed to file either an opposition or statement of
5 non-opposition to Plaintiff’s motion.

6 Accordingly, the Court **ORDERS** Defendants to show cause in writing, **within five (5)**
7 **days** of the date of service of this order, why sanctions should not be imposed for their failure to
8 comply with the Local Rules. Alternatively, within that same time, Defendants may file an
9 opposition or statement of non-opposition to Plaintiff’s motion filed December 15, 2023.

10 IT IS SO ORDERED.

11 Dated: **January 8, 2024**

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UNITED STATES MAGISTRATE JUDGE